IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO.7673 OF 2004

Between:

Kali Laxmi Kumari, w/o Subba Rao, aged 38 years,

R/o Divili, Peddapuram mandal, East Godavari Dist.

Petitioner.

AND

1.Superintendent of Police, East Godavari Division,

Kakinada, East Godavari District.

2.Circle Inspector of Police, Kakinada Town P.S.,

Kakinada, East Godavari District.

3.Sub-Inspector of police, Pithapuram,

East Godavari District. … Respondents.

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to direct the respondents to register a case on the report submitted by K.Subba Rao, P.C.1467 to the Sub-Inspector of Police, Pithapuram and investigate into to take action against the accused therein, declaring the action of the respondent in not registering the crime and further declaring the action in registering crime No.33/2004 basing on untrue and false allegations as *ultra vires*, arbitrary and resulting of strong influence and also opposed to

principles of Law.

For the petitioner: MR.S.V.R.Subrahmanyam, Advocate.

For respondents 1 to 3: Government Pleader for Home.

The Court at the admission stage made the following:

O R D E R:

1. This writ petition is filed by the petitioner, aggrieved by the inaction of the respondents on the complaint of the petitioner's husband with reference to the missing of minor daughter as well as forgery of the signature of the petitioner's husband, while performing the marriage of her minor daughter by one Prasad.

2. The grievance of the petitioner is that the petitioner's daughter by name Chandrakala was born on 28.5.1986 and when studying IInd year B.Sc., she was taken by one Prasad and finally got her married by forging the signature of the petitioner's husband. When the petitioner's daughter was found missing, a complaint was lodged on 25.2.2004. The petitioner's daughter returned home on 25.3.2004. Further, on the complaint of the said Prasad, who married petitioner's daughter, alleging that his wife was illegally kept in the custody of the petitioner and her husband, her custody was restored to the said Prasad. Another complaint was lodged with the respondents stating that the petitioner's husband signature was forged at the time of marriage of their minor daughter, but the respondents did not take any action. Hence, the present writ petition.

3 . A counter affidavit has been filed disputing and denying the allegations made in the petition.

4. Heard the learned counsel for petitioner and learned Government Pleader for Home.

5. If the complaint of the petitioner is not acted upon by registering the

case, the petitioner has got an effective remedy of lodging a private complaint before appropriate magistrate, having jurisdiction, seeking the reference of matter for investigation to the appropriate authority. It is also open to the petitioner to approach higher authorities. As the petitioner has got effective remedy by filing private complaint before appropriate magistrate, having jurisdiction, this Court declined to go into the merits and the allegations made in this writ petition.

6. The writ petition is accordingly disposed of. No costs.

05th, July, 2004.

To

1.Superintendent of Police, East Godavari Division,

Kakinada, East Godavari District.

2.Circle Inspector of Police, Kakinada Town P.S.,

Kakinada, East Godavari District.

3.Sub-Inspector of police, Pithapuram,

East Godavari District.

4.Two CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (O.U.T.)

5.Two CD copies.

Bsb/Va